

HOUSE BILL No. 2077

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5-40.

Synopsis: St. Joseph superior court. Requires the judges of the St. Joseph superior court to designate by rule one of the judges as chief judge. Specifies that the designated chief judge serves as chief judge until the end of the judge's term. Requires the chief judge to: (1) assign cases to a judge of the court or reassign cases from one judge of the court to another judge of the court to ensure the efficient operation and conduct of the court; (2) assign and allocate courtrooms, other rooms, and other facilities to ensure the efficient operation and conduct of the court; (3) annually submit to the fiscal body of St. Joseph County a budget for the court; (4) make appointments or selections on behalf of the court that are required of a superior court judge under any statute;
(Continued next page)

Effective: July 1, 1999.

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January 27, 1999, read first time and referred to Committee on Courts and Criminal Code.



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(5) direct the employment and management of court personnel; and (6) enter into cooperative efforts with other courts for establishing and administering shared programs and facilities. Specifies that, whenever any action of the entire court is required and the judges are evenly divided, the decision joined by the chief judge controls. Allows the chief judge to transfer cases to and from the St. Joseph circuit court. Allows the judge of the St. Joseph circuit court to sit as a judge of the St. Joseph superior court with the chief judge's permission. Repeals a provision that required the judges of the St. Joseph superior court to designate a presiding judge. Requires the judges of the St. Joseph superior court to designate a chief judge before September 1, 1999. Makes conforming amendments.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 2077

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-5-40-23.5 IS ADDED TO THE INDIANA
- 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 1999]: **Sec. 23.5. (a) The judges of the court**
- 4 **shall designate by rule one (1) of the judges as chief judge.**
- 5 **(b) The judge designated as chief judge under subsection (a)**
- 6 **shall serve as chief judge until the end of the judge's term.**
- 7 **(c) The chief judge shall do the following:**
- 8 **(1) Assign cases to a judge of the court or reassign cases from**
- 9 **one (1) judge of the court to another judge of the court to**
- 10 **ensure the efficient operation and conduct of the court.**
- 11 **(2) Assign and allocate courtrooms, other rooms, and other**
- 12 **facilities to ensure the efficient operation and conduct of the**
- 13 **court.**
- 14 **(3) Annually submit to the fiscal body of St. Joseph County a**
- 15 **budget for the court.**



(4) Make appointments or selections on behalf of the court that are required of a superior court judge under any statute.

(5) Direct the employment and management of court personnel.

(6) Conduct cooperative efforts with other courts for establishing and administering shared programs and facilities.

SECTION 2. IC 33-5-40-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. Whenever any action of the entire court is required, then the judges of the court will act in concert. In the event of disagreement, then the decision of the majority of the judges shall control. **However, if the judges are evenly divided, the decision joined by the chief judge controls.**

SECTION 3. IC 33-5-40-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. The court shall, when in its opinion it shall be necessary, appoint such additional personnel for the proper administration of the court, including but not limited to an administrative officer who shall operate under the jurisdiction of the **presiding chief** judge.

SECTION 4. IC 33-5-40-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the circuit court may, with the consent of ~~this court~~ **the chief judge**, transfer any action, cause, or proceeding filed and docketed in the circuit court to this court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with this court.

SECTION 5. IC 33-5-40-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. ~~Any~~ **The chief** judge of this court may, with the consent of the judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in this court to the circuit court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with the circuit court.

SECTION 6. IC 33-5-40-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St. Joseph Circuit Court shall be, at ~~his~~ **the judge's** discretion, authorized to sit as a judge of this court, with the ~~court's~~ **chief judge's** permission, in all matters pending before this court, without limitation and without any further order, in the same manner and stead as if ~~he~~ **the judge of the circuit court** were a judge of this court with all the rights and powers as if ~~he~~ **the judge of the circuit court** were a duly elected

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1 judge of this court.

2 SECTION 7. IC 33-5-40-23 IS REPEALED [EFFECTIVE JULY 1,
3 1999].

4 SECTION 8. [EFFECTIVE JULY 1, 1999] (a) **The judges of the**
5 **St. Joseph superior court shall designate by rule one (1) of the**
6 **judges as chief judge under IC 33-5-40-23.5, as added by this act,**
7 **before September 1, 1999.**

8 (b) **This SECTION expires September 2, 1999.**

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